P. F. 2k of 96

G. R. S. IX-5]

Previous references.

8/4-1

~~192~~ .

(R. K.)

File No. 97 of 94.

Serial Nos. 1 - 14

Later references.

L

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. /

~~Part~~ B for A°

SUBJECT.

Appeal of Hamam Saikia & Sajiraowaya regarding the Estate of Sukkate Hamsa Saikia

---

WD 2233—GPB—20,000—11-6-20

Comm. Ass. C.

Commissioner
K

Appeal No 9 of 1895-96.

Appellant.

Hanuma Naika, alias Sanjivaiya

Respondent.

Hanuma Naika, alias Hanuma.

Appeal regarding the Patti of Sukkole in the Hunasur Taluk.

List of English papers.

(1) Appeal petition
(2) Copy of the Deputy-Commr's judgment
(3) Proceedings of the Deputy-Commr's Court
(4) Official Memorandum.
(5) Deputy-Commr's letter.
(6) Revenue Secretary's docket- Requesting transmission of the exhibits.
(7) Genealogical table

The DPP's witnesses don't
seem to have been examined
They were intended to speak
~~about~~ to the employment
the thing in question by the
DPP and they were relevant
witnesses - Their examination
is necessary - The case will
therefore be remanded to
the Lower Court with a direction
that their evidence may
be recorded in the presence
of both the parties and
the record sent with the
additional evidence

12-10-95

Dy Commissioner Mysore Dt.
No 821 dated 15th January 1898

RD 7 Dm.
1/2/98.

Postal Manual
Cover supplies
Wall received
1/2/98

Mcd
1/2/98

AVV Sruti

3/2.

Before the Government of Mysore.

Appeal No. 9 of 1895-96.

Appellant.	Vs.	Respondent.
Hanumaiya Kotejeria Sanjeevaiya.		Hanumaiya Kotejeria Annaiya

Subject:— Dispute regarding the Patel of Sulekote in the Hunsur Taluk.

List of papers in English
Papers (1) to (11) as per separate list attached

(12) Deputy-Commr's judgment

Both the parties to the suit are members of the same family and the Defdt belongs to the senior branch — as shown in the marginal Pedigree of the junior branch a father of the Defdt was the Patel and in 1862 he was succeeded by Nanjunda Patel the father of the Defdt & his foster son Annaiya both of whom are shown as Officiators — Annaiya became

belongs to a senior branch
of the family. The decree
of the Dy Comr which confirms
the Dfts as the registered
Officiator is correct and
this appeal is dismissed.
The Pff is of course entitled
to have his name entered
in the Baravalavati register
as a sharer.

1-3-98

M.D.

M.D.

5

old & in competent &
Iruwala rank & subsequently
his son the Dfc. alone became the
Officiator - The Dfc was perhaps
helping him ornamentally, but
when the matter came up here
the Dfc court he was of opinion
that a mistake had been committed
for the village & confirmed the
Dfc in the sole officiator - The
Dfc brought this suit to contest
the correctness of that order & the
Dfc court dismissed the suit &
upheld the order passed by him in
favour of the Dfc. In this
appeal it was alleged that all
the evidence adduced by the Dfc
was not recorded - This defect
was remedied on remand but
the evidence does not go beyond
showing that Dfc was discharging
the duties of the office & that the
Dfc was nominally helping him -
It is not denied that Dfc is a hissedar
(sharer) of the right but there is
no reason to disturb the Dfc who
has been long officiating and who

Fd 147

20-7-95

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 97 94-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition Registered No. 3332 dated 6-6-95 received at the Dewan's Office from Hanumanaika of Lukkote, Hunsur Taluk, appealing against the decision of the Dy. Commr. dated 6th March 1895 in Rev: Regular Suit No: 11 of 1893-94 regarding the Patels of Lukkote.

is forwarded, together with its one enclosure, to the Deputy Commissioner of the Mysore District for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Draft

16/-

BANGALORE,
16.7.1895

~~Chief~~ Secretary.
Rev:

J.R. 16/7.

M.G.C.P.B.—25-4-95—1,000

(a. See Rules)

Gen. Serial No. 32.]

1895

(1)

7

No. 3332

Name of Petitioner. Hanmanta Nirtia alias Shripati Gen. of Kalle Kallu

Village. Salebail (Tq. Dhar - 15 miles)

Taluk. Hangal

District. Dharwar

Date of Appl. 6-5-95

Date of Receipt 10-6-95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Appeal against the judgment passed by Rao Saheb Venkatesh Narayan Desai Subordinate Judge of Dharwar dismissing the Petition of Sale Deed, Hangal Taluk.

The grounds urged are:-

1. That the Dy. Com. did not frame and consider properly the statement the Petitioner filed during trial.

2. That the Judge misdirected in deciding the Respondent's not serving

3. That the decision declaring the Respondent above Petitioner's Sale deed, the village is appeal to Court, Evidence and

Submitted.

The Petr. Means that he was in the belief that a copy of the decree would be filed as provided in the Civil Proc. Code within 30 days to return a copy that Hon. Ct. passed on appeal in a time & that there was a delay of 4 days in the application — of post & delay. He prays that Petn may be heard & admit the appeal

8/7 Admit Hearing

10/7/95

(a) See Rules)

Stamp Sufficient

Cer. of time & charges

Appellant please take notice

that a copy of the Respondent

Judgment does not be decree

has yet been drawn up —

Sent to the Respondent

8/7/95

Read 8/7/95

The appellant

Petitioner

Abstract

Received 22/6/95

Submitted

Petitioner

Submitted

25/6/95

Ruling that the judgment of the lower Court-
namely the Lot-trade and the Case decided in favour
of the Appellant.

Order that the decree in the case be pro-
per-case prepared in the lower Court and
that the costs of the Appeal be paid
hearing.

W.S.P.

The Deputy-Commr
Mysore District

Ref C-11 8-10-95 L.R. 97-94-4

His letter No 269 dated August 1895, submitting records connected with the Inm of Hanuma Naika of Kare, Hunasur Taluk.

With reference to the he has the honour to state the exhibits filed by in the case parties before the Deputy Commr, have not been served with the records the case, and to request the same may be transmitted at once to this ce, as the appeal of numa Naika stands to 12th inst: for hearing.

By Order

Draft

8-10-95

Revenue Secretary

Gen. 31.]

189

Draft submitted (6) appr

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

147

(General Serial No. [illegible])

REVENUE DEPARTMENT
Gl. No. 1743
No.
1895 3 SEP 95
SEWAN'S OFFICE

L.R.97-94-3

From The Deputy Commissioner of the Nagara District

To Revenue
The ~~Chief~~ Secretary to the ~~Govt~~ Govt of Mysore.

Dated 28th

Despatched August 1895

Received

Enclosures No. Petition Re. 3832 with its enclosure & Translation

General No.

No. 269

Submits the entire record in re the petition of Channa Naik of Enkekote in the Hunsur Taluk regarding the patel ship of that village.

To be placed for Rj.

Translation
To 12 Oct 95
Put up on 29-9-95

Put up
Hole
3/9/95

Rej. Petition of 2 Pltfs
[illegible]

K

(4)

No 269
Re. Petn &
its enclosure
& record -

Deputy Commissioner's Office
Mysore District
Dated Mysore 28th August 1915

From

The Deputy Commissioner
of the Mysore District

To

The Revenue Secretary to the
Government of Mysore

Sir,

As required in your Official Memorandum No Pol/147 dated the 15th July 1915, I have the honor to submit herewith the entire record in re the petition of Chinnamanaik & Subbaraya in the Chinnur Kaval regarding the patel of that village.

2. The petition and its enclosure received with your Memo under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedt servant

Deputy Commissioner
of the Mysore District

Compd.
MM

Camp Res 1895 Oct 1 (6) 13

From
The Deputy Commissioner
of the Mysore District

L.R. 97-94-5 To

The Chief Secretary
to the Govt of Mysore
Camp

Dated 10th October 1895
Recd

Encls: No 1 to 48.

Recd 11.10.95.
With Encls in a sep: Cover
handed over to K Shastri
Refer Rr
11/10/1895

No 446

Submits the Petition to filed with the Pernambuc proceedings connected with the petition of Ramanna Naik & Subbaraya in the Honnali Taluk R

No. 446

Enclosures No.
Abibito from
to 1 to 48.

(8)

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 2 Oct 5th 1895.

From

The Deputy Commissioner,
of the Mysore District.

To

The Chief Secretary to the Durbar of Mysore.

Camp.

SIR.

As required in your docket No. 2 Rev. dated the 5th October last, I beg to submit herewith the petition filed in the Revenue proceedings connected with the petition of Subbanna Naik of Kulkote, in the Hunsur Taluk.

I have the honor to be
Sir,
Your most obedient Servant,

[signature]

Deputy Commissioner
of the Mysore District

Compd:
Hly.

2 Encls to Appeal
(8) ff 20 15

Proceedings of the Govt of Mysore

L.R. 97-94-6 Read:-

(1) Petition of Appeal No. 3332/A.S.9 dated 5th June 1895, preferred by Hanuma Naika alias Sanjivaiya of Sulekole, in the Hundsur Taluk, against the judgment of the Deputy Commissioner of Mysore in Regular Revenue Suit No 4 of 1893-94, regarding appellant's claim to the Patelt of Sulekole.

(2) Proceedings received with letters Nos 269 and 446 dated 28th August, and 10th October 1895 respectively, from the Deputy Commissioner, Mysore District.

Order thereon. No 4032/Rt-847
9/11/10/95
30

The Plaintiff & witnesses do not seem to have

Encl: Case records & Exhibits from 1 to 48 neatly parcel-

being examined. They were intended to speak to the enjoyment of the land in question by the Plaintiff, and they were relevant witnesses. Their examination is necessary. The case will therefore be remanded to the Lower Court with a direction that this evidence may be recorded in the presence of both the parties and the record returned with the additional evidence.

Draft
C243

24-10-95
Revenue Sentry.

To
The Deputy Commr
Mysore District with
proceedings

24/10

L.R. 97 94 8

Gen. 31]

1895-96 1071
11-Jan-96

From 9281
Rev 799
The Deputy Commissioner
of the Mysore District.

To
The Secretary to the Govt of
Mysore
Revenue and General
Depts.

Dated 9th
Despatched June 1896.
Received

General No.
No. 1468

Enclosure No. Three files of records

Submitting the record regarding the patels of Aulekode in the Hunsur taluk with the additional evidence as required.

W. with refce to the order of the Councillors 8/12.10.95. case was remanded to the lower (i.e. the Dy Commrs Court which the suit & recorded evidence) for evidence being recorded & vitted.

Dy Commr instead of recording the evidence himself, asked the Amildar examine the witnesses; and has the depositions taken before the Amildar.

Noted
15/6

I return the evidence on record and has recorded taken by the Dy. This record needs to be corrected under the order recently passed — Submitted. ing the evidence to be taken by the Dy Comr as the point appealed against by the Dy Comr is submitted. it is therefore

Noted
8/11/96

P.A. Branch
11/5
4/11/6

Submitted refces.
13/6

No. 1468
Encl. three files records

Deputy Commissioner's Office,
Mysore District
Dated Mysore 9th June 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Sir,

In Government order No. 4032 Pet. 849 dated the 24th October 1895 anent the appeal preferred by Hanumanaik alias Sanjeevaiah against the judgment of this court in Revenue Suit No. 4 of 1893-94, regarding the patéli of Sulékeré in the Hunsur taluk, it was directed that the Plaintiff's (appellants) witnesses who had not been examined should be examined and that the record of the case should be resubmitted with their evidence. Accordingly the evidence of 6 witnesses cited by the Plaintiff taken in the presence of both parties is herewith submitted together with the record returned with the order above quoted.

Sulekeré or Nadapura

I have the honor to be,

Sir,

Your most obdt. servant

Deputy Commissioner
of the Mysore District.

Compd: ulg.

3332

L.R.97-94-7

18

By order

Draft

Revenue Secretary

Sr 21/10.

By order

Secretary

BR 23/10

1897–98. 516.8
Pet 379

From

The Dy Commissioner

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 15th Jan. 1898
Despatched
Received

Enclosures No. Appeal petition No. 3332 with Enclosures and three [illegible]

General No. 821

Submitting the records in connection with the Petition of Subbiah, Hanuma Naika with the evidence taken from the witnesses on behalf of the Appellant Hanuma Naika

No. 821 OFFICE OF THE Dy: Commr.

Enclosures No. Petition with enclosures and 3 files of correspondence MYSORE DISTRICT,

Dated Mysore 15 Jany 1898.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

As requested in your docket No. 4994-S.F. 26-96 dated 30th November 1896, I have the honor to submit herewith the evidence taken before me in the presence of both the parties, of the marginally noted 3 witnesses[x] examined for the appellant Hamma Naika alias Sanjiva in Revenue appeal No 9 of 1895-96 regarding his claim to the Pateli of Sulekote village, Honnur Taluk, and to state that the appellant has since dispensed[*] with the evidence of the remaining three witnesses originally cited by him.

[x] 1 Shanbhog Ve[illegible] ramana
2 - a - Venkat[illegible] Subbr[illegible]
3 Kulvad[illegible]

[*] Vide his[illegible] ment da[illegible] 6th Augt 18[illegible] & 11th Janry [illegible] respectively

2. The appeal petition and its enclosures, together with the entire records connected with the case are herewith retransmitted.

L.R. 97-94 Govt. Translation

822

Gen. 31

1896

From

(16)

The Secretary
to the Govt. of Mysore

To

The Registrar
Mysore Devo

Dated 30th
Despatched } November 1896
Received

General No. 4994
C.S. No. 20-96

Enclosure, No. Appellant's

His letter No 1468 dated 9th June 1896 submitting the evidence of 6 witnesses cited by the Appellant Hanuma naika alias Sanjiva in Revenue Appeal No 9 of 1895-96 regarding his claim to the ~~Shanbhog~~ Patel of Sulekere village, Kunigal Taluk, together with the vernacular papers in the case

---

In returning the papers received with the above, ~~observe~~ has the honor to observe that the evidence on record now submitted has been taken by the Amildar. The

Proceedings of the Govt. of Mysore

L.R. 97-94—11

Read:-

(1) Petition of appeal No. 3332/N.S.9 of 1895-96 presented by Hanuma Naika alias Sanjivaiya of Bale kote in the Hunsur Taluk, against the ~~decision~~ decree of the Deputy Commr, Mysore District in Revenue Regular suit No. 4 of 1893-94 on the file of his court, ~~regarding~~ dismissing the ~~appellants~~ Plaintiff's suit for recovery of ~~claim~~ the Patel of the above village

Plaintiff Hanuma Naika alias Sanjivaiya

Defendant ~~Defendants~~ Hanuma Naika alias Annaiya

(2) Correspondence ending with letter No. 821 dy 15th Janr 1898 from the Dy Commr, Mysore District, submitting the record of ~~evidence~~ additional evidence called for by Govt ~~adduced by the Plaintiff's witnesses.~~

(3) The records of the case.

Order thereon:- No. 8791/P.726-96 dy 17/3/98

Both the parties to the suit are members of the same family and the Deft belongs to the senior branch as shown in the margin. Neela Naik of the junior branch and father

(1177)

Sanjiva Naika

Neela Naika

Annia — Hanuma Naika alias Sanjivaiya (Plff-appellant)

[illegible] Naika

[illegible] Naika

[illegible] Naika alias [illegible] (Respondent)

father of the Plaintiff was the offi-
-ciating Patel and in 1862 he was
succeeded by Tirumala Naik
the father of the Deft and his foster
son Annaiya both of whom are shown
as officiators. Annaiya became
old and incompetent and Tirumala
Naik and subsequently his son
the Deft alone became the sole
officiator. The Plaintiff was
perhaps helping him
occasionally, but when the matter
came up before the Dy Commr
he was of opinion that a single
Patel was sufficient for this village
and confirmed the Deft as the sole
officiator. The Plaintiff brought
this suit to contest the correctness
of that order and the Dy Commr
dismissed the suit and upheld the
order issued by him in favour of the
Deft. In this appeal it was alleged
that all the evidence adduced by
the Plaintiff was not recorded. This
defect was remedied on remand
but the evidence does not go beyond
showing that Deft was discharging
the duties of the office and that the

V

This does not seem to be correct under the order recently passed in ~~this~~ the matter. The Registrar is accordingly requested to record the evidence in the presence of both the parties (as required in Govt Progs No 2032 dt 2nd October 1895) ~~and~~ as the judgment appealed against is one which was passed by the previous Registrar and to submit the same in due form at an early date together with the entire proceedings in the case. ~~for the orders of the Govt~~

Govt No. 6227-36
Pet. 1265 of
dated 16th January
1896 -

B. Baden

30/11/96

For Secy

12

Bld
25/2/96

W.P. 3332 (R) 18-3-98

W.R.97-94-2

By Order

For Secretary

3. The delay in recording the evidence was due to the non appearance of witnesses on dates fixed for their examination.

I have the honor to be

Sir,

Your most obedt Servant,

D Venkatal

Dy: Commissioner

Mysore District

Plaintiff was occasionally helping him. It is not denied that Plff is a divorcee (diarce) of the right but there is no reason to distrust the Deft who has been long officiating and who belongs to a senior branch of the family. The decree of the Dy Com which confirms the Deft in the registered office to correct and the appeal is dismissed. The Plff is of course entitled to have his name entered in the Basal-alu Regr as a diarce.

Dy Secretary

Cite 2

Draft
Bln
15/3/98.

17/3/98

To The Dy Comm^r Mysore District, with records.

193- ಕೆ-೨೮ ಪಿಸ್ಟ್
19-3-98

2574

Bijapur dt. 11.4.98

81

By Order

For Secretary

Draft
Bln
15/3.

Reference

16-4-98 3332/98

8791/1177 3-3-98 to Mysore

Mysore H.R. 97-94-13

Ref. to Rule 22 of 96 relating to the subject in question

NK 15/4/98

Submitted

Petr does not seem to have sent the court fee in the suit. A copy of the Rule issued to appellant was sent to Respondent (Petr) who has acknowledged and is correct, amended

15/4/98

Submitted for perusal

16/4/98

Rule issued

16/4/98

32 of 96

1895

No. 25-14

Name of Petitioner Hanumaiya s/o Ramaiya alias Ramiya

Village Seredore

Taluk Hunsur

District Mysore

Date of Arzi 7-4-98

Date of Receipt 11-4-98

Date of Disposal

No. of Enclosure One Sht + cover

ABSTRACT

Returns Sht No 3332/98 dt 17-3-98, with its cover, owing to the discrepancy in the name and to the consequent doubt which arose in his mind as to the identity of himself with the addressee of the Sht.

Prays that the correct Sht may be sent him

13/4/98

L.R. 91-94-14

ಸೇವಾ ವಿವರಗಳನ್ನು ಕಳುಹಿಸಿಕೊಡಲು ಕೋರಿದೆ.

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ

"By order

for Secy

18/4/98